IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 451 (S/S)2007

Pati Ram Singh S/o Late Ram Saran
R/o Village Mahadev Nagar, Post – Dhakiya Number One,
Kashipur , District- Udham Singh Nagar ----Petitioner

Versus

1. State of Uttarakhand through Secretary Higher Education Secretariat, Dehradun
2. Additional District Education Officer,
   District – Udham Singh Nagar
3. Manager, R.S. Dhillo Janta Purva Madhaymik Vidhalaya,
   Mahadev Nagar, Post – Dhakiya Number One,
   District – Udham Singh Nagar
4. Shri Baljeet Singh S/o Shri Shisha Singh
   R/o Village Shiv Nagar, Post – Dhakiya Number One,
   District – Udham Singh Nagar

------ Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Nandan Arya, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for respondent nos. 1 and 2.

By means of this writ petition, the petitioner has challenged the recommendation of the Selection Committee dated 28.12.2006 held for appointment of Head Master in R.S. Dhillo Janta Purva Madhaymik Vidhalaya, Mahadev Nagar, Kashipur, District Udham Singh Nagar. By the aforesaid proposal, the name of Sri Baljeet Singh has been recommended for appointment on the post of Head Master in the aforesaid institution.

The submission of the learned counsel for the petitioner is that petitioner was appointed as Assistant Teacher in the aforesaid

institution in the year 1980 and after retirement of Sri Suresh Chand Sharma on 30th June, 2006, the petitioner was given charge of Head Master as he was the senior-most in the institution. He has already filed a representation before the respondent no. 2 to promote him on the post of Head Master as he is the senior-most teacher in the institution, however the Committee of Management, after constituting Selection Committee, has recommended the name of respondent no. 4. Shri Baljeet Singh for appointment on the post of Head Master. Learned counsel for the petitioner has also submitted that respondent no. 4 is not qualified for the post of Head Master.

From perusal of Annexure 5, which is under challenge, it is clear that the petitioner has already appeared before the Selection Committee and after being declared unsuccessful, he cannot challenge the appointment under Article 226 of the Constitution of India.

On perusing the recommendation of the Selection Committee, it is clear that Sri Baljeet has got 102 marks and at Serial No. 2 there is Smt. Pankaj Mathur having 88 marks. Thereafter Sri Yadram has got 73 marks and petitioner, who has got 68 marks was placed at Serial No. 4. Even assuming that Sri Baljeet Singh was not qualified to be appointed, the other persons such as Smt. Pankaj Mathur, Sri Yadram, who have got higher marks than the petitioner were entitled to be promoted on the post Head Master.

In any case, if the respondent no. 4 is promoted and he is not qualified, the petitioner may approach the appropriate

authority and the authority while according approval will look into the matter whether the person appointed is duly qualified or not.

With the aforesaid observations, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

02.05.2007
VKS